



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 7742-99

10 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 10 February 1988 for four years at age 19. The record reflects that you were advanced to HA (E-2) and served for 12 months without incident. However, during the 20 month period from February 1989 to October 1990 you received four nonjudicial punishments (NJP). Your offenses consisted of an eight-hour period of unauthorized absence, absence from restricted mens' muster, disobedience of a lawful order, and two instances of absence from your appointed place of duty.

On 26 October 1990 you were notified that administrative discharge action had been initiated by reason of misconduct due to a pattern of misconduct and commission of a serious offense. You were advised of your procedural rights, declined to consult with counsel, and waived your right to present your case to an

administrative discharge board (ADB). Thereafter, the commanding officer recommended discharge under other than honorable conditions. On 21 November 1990, the Chief of Naval Personnel directed separation under other than honorable conditions by reason of misconduct due to a pattern of misconduct. You were so discharged on 30 November 1990 and were assigned an RE-4 reenlistment code.

In its review of your application the Board conducted a careful search of your service record for any mitigating factors which might warrant a recharacterization of your discharge. However, no justification for such a change could be found. The Board noted that you were a high school graduate with average intelligence and at age 21 you were older than the average recruit. You possessed all of the requisite qualifications to successfully complete your enlistment. The Board did note the letters of appreciation and commendation, two certificates for achieving outstanding on two physical readiness tests, and a certificate of recognition for Project Uplift 88. The Board concluded that the foregoing provided an insufficient basis for recharacterization of the discharge given your record of four NJPs. The Board noted the aggravating factor that you waived your right to an ADB, the one opportunity you had to show why you should be retained or discharged under honorable conditions. Regulations require the assignment of an RE-4 reenlistment code to individuals discharged by reason of misconduct. Your administrative separation was accomplished in compliance with applicable regulations. There is no indication of procedural errors which would tend to jeopardize your rights. The Board concluded the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Your request for certain medals does not require action by the Board. You may request correction of your DD Form 214 to show medals or ribbons to which you may be entitled by submitting a request to the custodian of your record, the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO, 63132. However, be advised that medals and awards are not furnished to those who were discharged under other than honorable conditions.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director